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SOMEONE I CARE ABOUT NEEDS HELP



WHAT SHOULD I DO?

GUIDE TO INVOLUNTARY ADMISSIONS

From
The Alliance
for the Mentally Ill
and
The Illinois Department of
Mental Health and
Developmental Disabilities

UNIVERSITY OF ILLINOIS-URBANA



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Where can a person get mental health services?

Private therapists, community mental health agencies, hospitals, or state-operated facilities offer mental health services.

How can a person get mental health services?

Mental health services are available from private therapists or from community agencies. Individuals may apply for a voluntary admission to a private or state-operated hospital with the approval of a hospital staff physician.

Is there any way to commit a person who does not want to be admitted to a hospital?

A court will issue an order for treatment if there is reason to believe a person is mentally ill and may soon inflict serious physical harm to themselves or others. The court will also order an involuntary hospital admission if a person cannot provide for their basic physical needs to guard against serious harm. This is known as a commitment.

(Involuntary commitment is defined in Section 1-119 of the Illinois Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-119.)

What steps can I take?

To ask the court to commit someone, you file a petition affirming that someone is mentally ill, or that they are capable of harming themselves or others in the near future. In preparing the petition you include details showing why there is reason to believe the person needs mental health treatment. The petition will list descriptions of behavior including time and place of any serious threats, and

the name, address, and phone number of any witness to these acts. The person preparing the petition must list their relationship to the person being considered for treatment. Names and addresses of a spouse, parent, guardian, close relative, or any known friend of the person being considered for treatment must also be on the petition. In addition, two certificates must be prepared. One certificate must be prepared by a psychiatrist and the other must be prepared by one of the following:

A licensed physician, a licensed clinical psychologist, a licensed clinical social worker (with three years or more experience in the treatment of persons with mental illness) or a registered nurse with a master's degree in psychiatric nursing (with at least three years in clinical training in addition to their degree training.)

Both certificates must agree that the person is subject to involuntary admission.

The final step is a court hearing in which the person being considered for treatment is represented by an attorney, and the petitioner is represented by the State's Attorney. The hearing takes place about 5 days after the petition and both certificates are filed with the court in the person's county. If the court rules that the person is subject to involuntary admission, they are then committed to a program of treatment.

What if there is an emergency? Can't the process be speeded up?

If the petition alleges that the person needs to be immediately hospitalized to prevent serious harm to themselves or another person, the Mental Health and Developmental Disabilities Code permits the person to be sent to a treatment program without any certificates. However, the person must be

released if the first certificate has not been prepared within twenty-four hours. Also, a second certificate must be prepared and filed or the person must be released. Under this emergency admission procedure, once the certificates are prepared the person remains in the hospital until the court hearing.

Who can prepare a petition?

Anyone over the age of eighteen can prepare a petition on another person. This can be a family member, a friend, a neighbor or anyone else.

How do I begin the commitment process?

When someone with mental illness is being treated by a doctor or is in a community mental health center program and you believe the person should be committed, you can contact those doctors to discuss your concerns. Staff at the doctor's office or the community mental health center can initiate the process, or you can contact the local States Attorney's Office to discuss your concerns and see about filing a petition. Also, a person can be taken into custody if a peace officer has a belief, based upon personal observation, that commitment is necessary.

How long will the commitment last?

The maximum period of a court order for commitment is 180 days, but the court may specify a shorter time period. If a facility or program director determines that a person no longer needs to be committed, they may release them before the expiration of the court order. However, the facility or program director may seek a court order to extend the commitment if necessary.

Does someone have to be hurt before a person can be committed?

No, the court is not required to wait until the person injures himself or someone else before ordering commitment.

Does the person have to be committed to a hospital?

No, a person can be committed to a community mental health program as an outpatient, or even into another person's care instead. The court will require proof that the community program will accept responsibility for the person and may require detailed plans for treatment.

Does commitment mean that a person will be forcibly medicated?

No, people who have been committed retain their right to refuse treatment. The Mental Health and Developmental Disabilities Code allows a refusal of treatment to be overridden only when necessary to prevent the person from causing serious physical harm to himself or others. A court may also order psychotropic medication.

(Involuntary medication procedures are set forth in Section 2-107.1 of the Mental Health and Developmental Disabilities Code.)

If someone can be committed so they can't harm anyone in the near future, why can't they be forced to take medication for the same reason?

The difference is in the immediacy of the danger. The commitment standard requires a reasonable expectation that harm will occur in the near future. The standard for overriding an objection to medication is to prevent harm from occurring now.



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